Remarks/Arguments

Reconsideration of this application is requested.

Claim Status

Claims 1-22 are presented. Claims 21 and 22, which are withdrawn from consideration as a result of a previous restriction requirement and election, are canceled without prejudice. Claims 1, 3, 7, 9, 11, 14, 15, 19 and 20 are amended. Claims 1-20 are now pending.

Claim Rejections – 35 USC 112

Claims 1, 9 and 20 are rejected under 35 USC 112, second paragraph, as indefinite.

In claim 1, the Action asserts that the limitations "display delivery information" and "an entering operating" are vague and indefinite. With respect to the limitation "display delivery information", this terminology is an inadvertent clerical error and is corrected to "*and displays* delivery information". With respect to the asserted limitation "an entering operating", this terminology does not appear in claim 1, and applicant therefore cannot understand and traverses the rejection on that ground.

In claim 9, the Action asserts that the limitations "a predetermined entering operation" and "a display restart function" are vague and indefinite. With respect to the limitation "a predetermined entering operation", applicant does not understand and therefore traverses the rejection. Various examples of "predetermined entering operations" are given throughout the specification. At page 15, lines 15-19, applicant discusses predetermined entering operations such as the depressing of an enter key or a space key. At page 17, line 2, a mouse click is discussed. These are arbitrary examples and the "predetermined entering operation" could be those input keys or any other keys or input devices. Thus, applicant submits that "predetermined entering operation" is clear, especially when considered in light of the specification, and that the limitation need not be further limited, for example, to particular keys or input devices. With respect to the

limitation "a display restart function", claim 9 is amended to clarify that the display restart function is "for restarting display of the Web page", which applicant submits is definite and in compliance with 35 USC 112.

In claim 20, the Action asserts that the limitation "the specified operation" lacks antecedent basis, and suggests that the alternative "a predetermined operation" would be vague and indefinite. In response, the limitation is amended to "the predetermined operation", which applicant submits is clear and definite as discussed above with respect to claim 9. The "predetermined operation" could be a depressed key, a mouse click, or any other input operation, and applicant cannot understand how the terminology is unclear. Limiting the claim to a particular type of input operation would be arbitrary and unnecessarily limiting.

Claim Rejections – 35 USC 102 and 103

Claims 1, 2, 7, 8 and 11-18 are rejected under 35 USC 102(e) as anticipated by Krishan et al. (US 6,442,529). Claims 3-6, 19 and 20 are rejected under 35 USC 103(a) as obvious over Krishan in view of Davis et al. (US 5,706,952). Claim 9 is rejected as obvious over Krishan in view of Bates et al. (US 2001/0016858). Claim 10 is rejected as obvious over Krishan in view of Miles et al. (US 6,102,406).

In response, applicant traverses the rejections and amends independent claims 1, 3, 7, 11, 14, 15 and 19 to clarify two important distinctions relative to Krishan and the ancillary references:

- an information receiving program (or tag for an information receiving program) is *included or embedded in content received from a server*; and
- the information receiving program automatically retrieves information for display (advertising information) when it determines that a predetermined period of time has passed without an entering operation (some form of user input).

Thus, the claimed invention allows advertising content to be automatically retrieved and displayed on a user's terminal as a "browser saver" with no pre-installation of software or any other action required on the user's behalf.

The primary reference Krishan et al. is fundamentally different from the present invention in that it requires the user to obtain and pre-install special "mini-portal" software in order for advertising information to be automatically obtained. Thus, Krishan does not disclose or suggest an information receiving program that is embedded or included with content received from a server, as is required by all independent claims. Thus, the rejections of claims 1, 2, 7, 8 and 11-18 as anticipated by Krishan are traversed and should be withdrawn.

In rejecting claims 3-6, 19 and 20, the Action cites Davis et al. for its disclosure of a tracking program that is embedded in a resource such as an HTML document sent from a client to a server, and asserts that claims 3-6, 19 and 20 are obvious over Krishan in view of Davis. Applicant respectfully traverses this rejection.

The tracking program of Davis et al. that is downloaded to and executes on a client's computer monitors indicia such as mouse events, keyboard events, amount of time spent on a web page, choices made, etc. The tracking program does additional information, such as advertising information, to be obtained for display on the client's computer after a pre-determined passage of time with no input activity. Krishan, by contrast, provides a program that obtains advertising information for display, but it is a program that must be pre-installed by the user and is not automatically obtained with a request for webpage or HTML documents. There is nothing in Krishan to suggest that it might be desirable not to pre-install the program, but to get it automatically when accessing a webpage.

In sum, neither Krishan nor Davis, taken alone or in combination, disclose or suggest the essence of applicant's invention: delivery and display of advertising information as a "browser saver" after a predetermined passage of time automatically on requesting content from a server, by embedding an information

receiving program with the requested content. For this reason, claims 3-6, 19 and 20 are not rendered obvious by Krishan and Davis, and the rejection should be withdrawn. Moreover, although Davis is not cited in combination with Krishan against the remaining claims 1, 2, 7-18 and 20, the same rationale applies and these claims similarly would not be rendered obvious by the combination of references.

With respect to claim 9, Bates is cited relative to the claimed display restart function and, with respect to claim 10, Miles is cited relative to the claimed use of cookies. However, neither Bates nor Miles cures the deficiencies of Krishan and Davis, discussed above. Thus, since claims 9 and 10 depend from claim 7, they are allowable for the same reasons set forth for claim 7. The rejections under 35 USC 103(a) should be withdrawn.

Conclusion

This application is now in condition for allowance. The Examiner is invited to telephone the undersigned to resolve any issues that remain after entry of this amendment. Any fees due with this response may be charged to our Deposit Account No. 50-1314.

Respectfully submitted,
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